

TFC Contract No. 20-062-000  
Amendment No. 1  
MEP Engineering, Inc.  
Project No. 20-010-5402

**AMENDMENT NO. 1  
TO THE  
PROFESSIONAL ARCHITECTURAL/ENGINEERING SERVICES CONTRACT  
FOR  
DEFERRED MAINTENANCE REPAIR AND REHABILITATION AT THE BROWN  
HEATLY BUILDING, AUSTIN, TEXAS  
BETWEEN  
THE TEXAS FACILITIES COMMISSION  
AND  
MEP ENGINEERING, INC.**

**This Amendment No. 1** to the Professional Architectural/Engineering Services Contract (hereinafter referred to as “Amendment No. 1”) is entered into by and between the **Texas Facilities Commission** (hereinafter referred to as “TFC”), a state agency located at 1711 San Jacinto Boulevard, Austin, Texas 78701, as Owner (as defined in UGC, Section 1.28), and **MEP Engineering, Inc.** (hereinafter referred to as “A/E”), located at 1120 Capital of Texas Highway South, Building 1, Suite 150, Austin, Texas 78746 (hereinafter referred to collectively as the “Parties”), to amend the original Contract between the Parties (hereinafter referred to as the “Agreement”).

**RECITALS.**

WHEREAS, on April 2, 2020, the Parties entered into that one certain *Professional Architectural/Engineering Services Contract for Deferred Maintenance Repair and Rehabilitation at the Brown Heatly Building, Austin, Texas*; and

WHEREAS, the Parties now desire to enter into Amendment No. 1 to provide for Additional Services and additional compensation in the amount of **\$53,500.00**, and to extend the Agreement;

NOW THEREFORE, the Parties hereby agree as follows:

1. Unless clearly provided otherwise herein, all terms and phrases in initial caps herein shall have the same meaning as the terms and phrases with initial caps in the Agreement.

2. Article II, Scope of Services, Section 2.1, Scope of Services, is amended to add Subsection 2.1.10, as follows:

2.1.10. Testing Adjusting and Balancing Services. A/E shall provide Testing Adjusting and Balancing services for stairwell and elevator hoist-way pressurization, and system testing in accordance with Austin Fire Department procedures, as more specifically described in **Exhibit A**, the Proposal for Additional Services dated April 14, 2021, attached hereto and incorporated herein for all purposes.

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3. Article III, Term and Termination, Section 3.1, Duration, is deleted in its entirety and the following Section 3.1 substituted in lieu thereof.

3.1 Duration. This Agreement shall be effective as of the Effective Date and shall terminate on December 31, 2021, unless extended by the parties by amendment to this Agreement or terminated earlier, as provided below.


4. Article IV, Consideration, Section 4.1, Contract Limit-Fees and Expenses, Subsection 4.1.1, Fixed Fee, is deleted in its entirety and the following Subsection 4.1.1 substituted in lieu thereof.

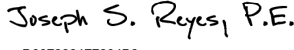
4.1.1. Fixed Fee. In exchange for the timely delivery of the Professional Services as specified by this Agreement, A/E shall be paid a fixed fee of Nine Hundred Seventy-Four Thousand Five Hundred and No/100 Dollars (\$974,500.00). Any Professional Services performed or delivered by A/E prior to the Effective Date of this Agreement or after its termination cannot be compensated.

Except as amended by this Amendment No. 1, the terms and conditions of the Contract shall remain in full force and effect.

IN WITNESSS WHEREOF, the Parties hereto have made and executed this Amendment No. 1 to be effective as of the date of the last Party to sign.

**TEXAS FACILITIES COMMISSION****MEP ENGINEERING, INC.**


DocuSigned by:  
  
 By: 07CE7E0555204CB  
 Mike Novak  
 Executive Director

DocuSigned by:  
  
 By: D607388177204B2...  
 Joseph S. Reyes, P.E.  
 Principal

Date signed: 09/13/2021 | 11:39 AM CDT

Date signed: 09/13/2021 | 11:25 AM CDT

Approved:

DocuSigned by:  
  
3D397DEA1D9B42A...  
 Lia Edwards  
 TFC Legal Counsel

PM/Jay Franklin



Dir/Marti Walsh



DED/John S. Raff





## AUSTIN

1120 Capital of Texas Hwy, S.  
Building 1, Suite 150  
Austin, Texas 78746  
512 306 9650

## SAN ANTONIO

9830 Colonnade Blvd  
Suite 230  
San Antonio, Texas 78230  
210 349 1400

April 14, 2021

Jay Franklin  
Project Manager  
Texas Facilities Commission  
Facilities, Design & Construction  
1711 San Jacinto Boulevard  
Austin, Texas 78701

Re: **Proposal for Additional A/E Professional Services for Deferred Maintenance Repair at Brown-Heatly Building (BHB) (TFC Project #20-010-5402)**

Dear Mr. Franklin:

**MEP Engineering, Inc.** appreciates the opportunity to submit this proposal for additional professional engineering services on the above referenced project. As requested, this proposal has been developed for additional **Bid Packaged #2 Testing, Adjusting, and Balancing (TAB) Services**, as described in the project scope of work section below. It is MEP's understanding that the terms and conditions of this project assignment agreement will be defined by the standard form of TFC's Professional Architectural/Engineering Services Agreement.

## **I. Additional Scope of Work Overview**

The requested additional Phase 2: Design/Construction Administration services will include the following additional scope of work to be incorporated into the current deferred maintenance project:

1. **BHB – Brown-Heatly State Office Building**, 4900 N. Lamar Blvd., Austin, TX 78751
  - MEP will provide professional testing, adjusting, and balancing services (TAB) for all new HVAC equipment replaced as part of Bid Package #2 work. (Note: TAB services for Bid Package #1 are being performed by another TAB firm under a separate TFC contract.)
  - TAB will be performed in accordance with current specification Section 230593 "Testing, Adjusting, and Balancing for HVAC." MEP Engineering will engage a qualified TAB contractor as a subconsultant to perform all TAB services for Bid Package #2.
  - In addition to customary TAB services for HVAC equipment, the TAB scope of work will also include acceptance testing for the following special smoke control, life-safety systems.
    - Stairwell Pressurization Systems
    - Elevator Hoistway Pressurization Systems
  - Because BHB is a high-rise building, the above life-safety systems will be tested in accordance with Austin Fire Department procedures to determine formal acceptance. In order to comply with AFD requirements, MEP's TAB subconsultant will be selected from the current list of "Austin Fire Department Approved Building Smoke-Control Special Inspection Agencies", the latest revision dated 11/7/2014.

## II. Project Team Members

In March 2021, MEP Engineering, at the request of TFC, solicited Bid Package #2 fee proposals from two TAB firms: TAB Technologies and Engineered Air Balance. Both TAB firms are on the current approved AFD list and are both pre-qualified by TFC through its current IDIQ contracts. Proposals were delivered to MEP Engineering, who carefully reviewed and leveled each. MEP ultimately determined that the proposal presented by TAB Technologies offered the best-value option for TFC.

For the above-referenced additional services scope of work, MEP Engineering is proposing an A/E Team consisting of the following consultants:

<u>Firm Name</u>	<u>Discipline(s)</u>
MEP Engineering, Inc.	Mechanical, Electrical, and Plumbing Systems
TAB Technologies	Testing, Adjusting, and Balancing

MEP Engineering, serving as the prime consultant, will continue to provide all project management services including contractual oversight of the TAB subconsultant, and will coordinate TAB testing activities with the CMR and TFC, facilitate communication and resolution of TAB deficiency items, and distribute preliminary and final TAB reports.

## III. Compensation

We agree to perform the additional services scope of work, as described above, for an **additional fixed fee of \$53,500**. This additional fixed fee is allocated as shown below.

	<u>Amount</u>
A. TAB Technologies	\$ 46,688
B. <u>MEP Engineering</u>	\$ 6,812
	\$ 53,500

If approved and accepted by TFC, MEP's current contract (20-062-000) fee amount shall be amended as outlined below:

	<u>Current Amount</u>	<u>Change Amount</u>	<u>Revised Amount</u>
C. Assessment Report	\$ 112,000	\$ 0	\$ 112,000
D. Design Development	\$ 283,150	\$ 0	\$ 283,150
E. Construction Documents	\$ 323,600	\$ 0	\$ 323,600
F. Construction Services	\$ 202,250	\$ 0	\$ 202,250
G. <u>Add Svc #1: TAB Services (BP#2)</u>	\$ 0	\$ 53,500	\$ 53,500
<b>Sub-Total</b>	\$ 921,000	\$ 53,500	<b>\$ 974,500</b>

## IV. Project Schedule

TAB services will be performed in conjunction with the CMR's construction schedule for Bid Package #2 activities. No additional time is anticipated to be required for TAB services beyond MEP's current construction administration phase end date.

Thank you for this opportunity to partner again with the Texas Facilities Commission. Please feel free to contact me at your earliest opportunity should you have any questions or require any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "J.S. Reyes", with a stylized flourish at the end.

**Joseph S. Reyes, PE, LEED AP**  
Principal

**LIST OF A/E PROJECT MANAGER  
AND  
SUBCONSULTANTS  
(Name, Address & Contact Person (Project Manager))**

A. Project Manager:		Joe S. Reyes, PE, LEED AP BD+C MEP Engineering, Inc. 1120 South Capital of Texas Highway Building 1, Suite 150 Austin, TX 78746 O: 512-306-9650 M: 512-983-3841 jreyes@mepengineering.com
Mechanical Engineer		Kevin Goetz, PE, LEED AP BD+C MEP Engineering, Inc. O: 512-306-9650 M: 512-954-4159 kgoetz@mepengineering.com
Mechanical Engineer		Jon Whittaker, PE MEP Engineering, Inc. O: 512-306-9650 M: 405-306-2519 jwhittaker@mepengineering.com
Electrical Engineer		Alexander (Sandy) Simko, PE MEP Engineering, Inc. O: 512-306-9650 M: 512-940-4576 ssimko@mepengineering.com
B. Subconsultants:		
Roofing/Building Envelope (Martinez Moore Engineers)		Ruben Martinez, PE, SE Martinez Moore Engineers 221 West 6 <sup>th</sup> Street Suite 800 Austin, TX 78701 O: 512-330-1278 rmartinez@martinezmooreengineers.com

Structural Engineering (Martinez Moore Engineers)	Ruben Martinez, PE, SE Martinez Moore Engineers 221 West 6 <sup>th</sup> Street Suite 800 Austin, TX 78701 O: 512-330-1278 rmartinez@martinezmooreengineers.com
Architecture (Fuse Architecture Studio)	Beth Guillot, AIA, LEED AP BD+C Fuse Architecture Studio 1005 East St. Elmo Rd. Building 4 Austin, TX 78745 O: 512-992-1520 beth@fuse-arch.com
Life Safety / Fire Protection Engineering (FPCG, LLC)	Gilead R. Ziemba, PE Fire Protection Consulting Group, LLC 339 Sandalwood Lane San Antonio, TX 78216 O: 210-858-2389 gilead@firepcg.com
Testing, Adjusting and Balancing (TAB)	Tyler Lewis, PE TAB Technologies 5321 Industrial Oaks Blvd Suite 124 Austin, TX 78735 O: 512-486-3646 tlewis@tab-tech.com